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edged that uniformity is being reached by a mistaken road. While the States have been following out the lines above mentioned they have quite generally neglected those saner methods of regulation which the situation has demanded. The control of the mutual companies and with that of the rapidly growing assets has been permitted to remain in the hands of various cliques year after year and nothing has been done to improve the methods of election and thus make the companies in fact what they are in name, viz., mutual in the best sense of the word. Directors have calmly abdicated their authority in favor of the active management and no attempt has been made to establish and enforce that degree of directors' responsibility which has been maintained in other fields of corporate enterprise. In fact the whole policy of our State legislators has been directed toward treating symptoms rather than the causes and in the mean time securing a liberal share of the fees for the benefit of the State treasury.

Dr. Zartman's attitude toward legislative regulation has evidently been influenced largely by the results of the legislative policy which he has been studying. He believes in securing representative boards of directors who really direct and holding them legally responsible for their acts with considerable freedom in the actual working out of their policies. And if his views are sound, it is apparent that much of the legislation of the past year is unwise and will fail to accomplish the results so much hoped for by all policy holders. In the light of past experience it is evident that unless the several States speedily change their policy and adopt a more rational one both in regard to regulation and taxation the sentiment will grow so strong in favor of federal regulation that some method will be found of securing that much desired end.

MAURICE H. ROBINSON.

Canadian Constitutional Development: Shown by Selected Speeches and Dispatches, with Introductions and Explanatory Notes. By H. E. EGERTON, M.A. and W. L. GRANT, M.A. (London: John Murray. Pp. xxii + 472.)

Not even English constitutional history since the American Revolution is so full of vivid interest as the constitutional history of the British North American colonies from the treaty of Paris of 1763 to the creation of the Dominion of Canada in 1867. In England so much of constitutional import had been settled before the American Revolution. At the

revolution of 1688 the position of the sovereign had been determined; and between then and the American Revolution the cabinet had been established and its relations to the crown and to parliament had been largely settled. After the American Revolution constitutional history in England is chiefly concerned with the several reforms which have been made in the electoral system and with the modernizing of county and municipal government. The constitutional history of Canada since 1763 includes much more than this. It is concerned with the establishment of local government in the provinces of Quebec, Ontario, New Brunswick, Nova Scotia and Prince Edward Island; with the relations of these colonies to the home government; with the union of Quebec and Ontario with the establishment of responsible government; with the sweeping changes in the fiscal relations of the British North American colonies to the mother country after England, in 1846, had adopted free trade and put an end to the old colonial system; and finally with confederation in 1867, and the new relations of the provinces to each other and of the Dominion to the British Empire.

These are some of the phases of constitutional development in British North America in the century which lies between the treaty of Paris and confederation; and it is as an aid to the study of this period of full, interesting and rapid constitutional development that Messrs. Egerton and Grant have collected and edited these speeches and dispatches. Great discrimination has been shown in the collection of the material, and equal care has been given to the editing—to the brief but ample introductory chapters and to the footnotes.

The volume fitly opens with the instructions which were given in December, 1763, to General James Murray, who had been in command at Quebec since the autumn of 1759. There are over eighty paragraphs in these instructions, each paragraph setting out some detail of the scheme of civil government that was then established and that was maintained until the Quebec act was passed by parliament at Westminster in 1774. The debates in the house of commons on this act are given with much fullness from the shorthand notes of Sir Henry Cavendish, who from 1768 to 1774 was member for Lostwithiel. Seventy years ago Cavendish's notes were transcribed and edited by John Wright, who was associated with Cobbett in the production of the parliamentary history and parliamentary debates. But Wright's edition of the Cavendish notes is now among the rare books, and a good service has been done for students of constitutional history by the full reproduction of these reports of the debates on the Quebec act. The correspondence between Quebec

and London that preceded the constitutional act of 1791—the act which divided Quebec and Ontario into two provinces—is also of much value not only in its constitutional aspect, but as supplementing Dr. W. B. Munro's admirable monograph on the *Seigniorial System in Canada*, especially as regards the political status of the habitants and their relations to the priests.

Lord Durham's report on the condition of Canada in 1837–38 is not in Messrs. Egerton and Grant's collection. It was unnecessary for it to be there, for it has so recently been reprinted in its entirety. But many of the letters that Durham wrote to Glenelg, the colonial secretary, are included; and so is the answer which the united empire royalists of Ontario made to Durham's report. This is one of the most remarkable documents in the collection, expressing as it does the Bourbon toriyism of the united empire loyalists, and their dread of a government in Ontario responsible to the people of the province and holding power only so long as it was supported by a majority in the popularly-elected chamber. The letters and speeches which belong to the controversy, that preceded the granting of responsible government, form a large part of the collection. The annexation manifesto of 1849 is reproduced in full, and except for four pages which have reference to the tariff of the united provinces of 1859, the remainder of the volume is given up to the debates and negotiations which preceded the confederation of 1867.

The work of the editors has been so well done and its usefulness to students is so obvious that it creates a desire for more; and more that is of nearly equal value will be found ready to hand when the editors prepare their next edition of the work or determine upon a second volume. This is especially so as regards the era in which Canada secured her fiscal freedom. In the present volume, as has been stated, the editors devote only four pages to this subject and reproduce but in part the letters of Sir Edmund Head, who was then governor-general, and of Sir A. T. Galt, who was at that time minister of finance of the united provinces. This correspondence is of 1859, the year following that in which Canada first asserted her fiscal freedom by imposing protective duties on manufactures imported from Great Britain. But this era began in 1846, and for an adequate understanding of it a student should be in possession of the letters of Gladstone, who was then colonial secretary in Peel's administration—the letters in which he announced the freedom which the Canadian colonies were henceforward to enjoy, consequent upon the adoption of free trade in England, and the ending of the system under which there were tariff preferences at

British ports for lumber, grain and flour from the British colonies. Sir Francis Hincks's correspondence of 1851 with the committee on foreign affairs of the house of representatives, when as inspector-general or minister of finance he was in Washington in the interest of a reciprocity treaty, also belongs to this period, and serves to elucidate the full significance of Canada's fiscal freedom. After the correspondence of 1859, which Messrs. Egerton and Grant have quoted, there were protests in parliament at Westminster against the use to which Canada was putting this new freedom. These protests went on from 1860 to 1887. Some of them belong to a later period than that with which Messrs. Egerton and Grant are concerned. Many of the most vigorous came after the adoption of the national policy by Macdonald and the conservatives in 1879. But there is not one of the protests that is without its value to a due understanding of the fiscal relations between Canada and Great Britain.

The newspaper press in its constitutional aspects is not noticed in Messrs. Egerton and Grant's volume. This is an omission that will need remedying. The case of Hill and Doak, editors of the *Loyalist*, of Fredericton v. Welldon, the sergeant-at-arms of the house of assembly of the New Brunswick legislature, heard in 1845 at Fredericton, was for all colonial legislatures as important as the famous conflict between the house of commons and the printers of the *Gazetteer* and *New Daily Advertiser* and the *Middlesex Journal* of 1771.

EDWARD PORRITT.